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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,471

05/26/2005

Michael Antoine Joseph Caroline Bell

P/3203-28

3667

2352 7590 09/17/2007  
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EXAMINER

PICKARD, ALISON K

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

09/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/522,471

Applicant(s)

BELL ET AL.

Examiner

Alison K. Pickard

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 17 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 17 does not appear to be further limiting because of the language added to claim 1.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 13-15, and 17 rejected under 35 U.S.C. 102(b) as being anticipated by article “Innovations key reeled pipe-in-pipe flowline.”

The article discloses a seal assembly (on page 50 under ‘water-stops’) for a double wall pipe that is activated from a non-sealing position to a sealing position by liquid in an annular space. The assembly has lips (blocking means) that are moved into sealing position under fluid pressure.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicants' Admitted Prior Art (APA)(spec. pages 1-3) in view of Bousche.

Applicants admit that it is known to use a seal in the annular space formed between the inner and outer pipe in a double-walled pipeline. However, Applicants do not appear to disclose the outer features as being known. Bousche teaches a seal assembly that is activated from a non-sealing position to a sealing position by liquid in an annular space. The seal assembly has a liquid-sensitive material 25 that holds blocking means (lip 20) in a non-sealing position until activated. The blocking means is then moveable under pressure of liquid to sealing engagement. The assembly allows installation without damage to the lips and then activation when desired. it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the seal assembly taught by Bousche in the annular space of a double pipeline to ensure an effective, undamaged seal when needed.

6. Claims 1-3, 7, 12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Hester.

Applicants admit that it is known to use a seal in the annular space formed between the inner and outer pipe in a double-walled pipeline. However, Applicants do not appear to disclose the outer features as being known. Hester teaches a seal assembly that is activated from a non-sealing position to a sealing position by liquid in an annular space. The assembly (e.g. see Fig. 7) has plural orifices 63 with valves. The valves have orifices and blocking elements that restrict fluid from flowing through. It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to use the assembly of Hester in the annular space between pipes to control any fluid present.

7. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article in view of Bousche.

The article does not appear to disclose restraining means around the annular member. Bousche teaches a sealing device activated by fluid pressure. Bousche teaches using a dissolvable material to bind sealing lips of a sealing device so they are not damaged during installation. The material then dissolves to allow the seal activate. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the binding material of Bousche to bind the lips of the sealing device in the article so they won't be damaged during installation.

#### ***Allowable Subject Matter***

8. Claims 5, 6, 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

9. Applicant's arguments filed 7-5-07 have been fully considered but they are not persuasive.

The article clearly states that the seal is not energized until required, i.e. until the space is flooded. Thus, the seal would permit passage of a gas until entry of a liquid as required by the claim. The rejections in view of Bousche and Hester have been maintained. Both teach a sealing arrangement that would be desirable in the annular space of a double walled pipeline.

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Bousche's seal is not activated until a liquid is present. And, Hester does actuate to a sealing position. The valve can be constructed to limit flow to whatever degree. Even a little bit of fluid passing is still considered "sealing". The claim does not require liquid passage to be prevented totally. Regardless a valve is capable of preventing any flow.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 571-272-7062. The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alison K. Pickard  
Primary Examiner  
Art Unit 3673

AP